

P-3014/NA-89-343 ORDER REVOKING CERTIFICATE OF AUTHORITY

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Don Storm  
Tom Burton  
Marshall Johnson  
Cynthia A. Kitlinski  
Dee Knaak

Chair  
Commissioner  
Commissioner  
Commissioner  
Commissioner

In the Matter of a Request for a  
Certificate of Authority to  
Provide Long Distance Service in  
Minnesota

ISSUE DATE: January 20, 1994

DOCKET NO. P-3014/NA-89-343

ORDER REVOKING CERTIFICATE OF  
AUTHORITY

**PROCEDURAL HISTORY**

On December 28, 1993, the Department of Public Service (the Department) filed a petition to revoke the authority of Minntelco Long Distance Service (Minntelco or the Company) to provide long distance service in Minnesota. The Department stated that it was unable to locate any owners or employees of Minntelco. The Company's former legal counsel stated that the Company ceased to exist several years ago. The Company had not returned any annual reports by the Department and there was no indication that the Company had ever offered service in Minnesota.

The Department alleged that this set of facts constitutes a violation of Minn. Stat. § 237.11. The Department stated that the circumstances therefore justify revocation of the Company's certificate of authority pursuant to Minn. Stat. § 237.16, subd. 5.

The Commission sent a notice of its upcoming meeting to the Company at its last known address and to the Company's former attorney.

The matter came before the Commission for consideration on January 11, 1994.

**FINDINGS AND CONCLUSIONS**

Minn. Stat. § 237.16, subd. 5 provides that a certificate of authority may be revoked by the Commission for the failure of the certificate holder to furnish "reasonably adequate telephone service."

In this case, the Commission finds that the Company's noncompliance with the following basic regulatory requirements constitutes a failure to furnish reasonably adequate telephone service:

1. Failure to file an annual report, as required under Minn. Stat. § 237.11 and Minn. Rules, part 7810.6400;
2. Failure to maintain sufficient contact with regulatory authorities to allow them to prepare the annual report, as allowed under Minn. Stat. § 237.11;
3. Failure to maintain sufficient contact with regulatory authorities to allow them to confirm maintenance of a state business office with adequate staffing to provide consumer information and adjust billing errors, as required under Minn. Rules, part 7810.1000;
4. Failure to maintain sufficient contact with regulatory authorities to allow them to confirm compliance with other regulatory requirements.

The Commission cannot fulfill its statutory responsibility to ensure reliable telephone service to the public at just and reasonable rates if it cannot locate service providers. Without receiving annual reports, the Commission cannot monitor service providers' ongoing compliance with statutory directives. Every person or entity authorized to provide telephone service in Minnesota has a duty to remain in contact with the Commission and the Department so that the agencies can fulfill their regulatory responsibilities. In short, maintaining contact with regulators is an integral part of a company's providing reasonably adequate service.

The Commission finds that the certificate of authority to provide long distance service held by Minntelco should be revoked under Minn. Stat. § 237.16, subd. 5 for failure of the Company to provide reasonably adequate service. The Commission will so order. To ensure that service is not provided without a certificate of authority, the Commission will by separate Order require all local exchange companies to disconnect any service offered to Minntelco Long Distance Service.

#### ORDER

1. The certificate of authority to provide long distance service held by Minntelco Long Distance Service is hereby revoked.
2. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar  
Executive Secretary

(S E A L)